

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 16th DAY OF JUNE 2020
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Evelyn Warnick. Chairperson
Wayne Jackson. Commissioner
Dean Draper. Commissioner

Pat Finlinson. County Attorney
Marki Rowley. County Clerk
Jamie Hair Deputy Clerk

ALSO PRESENT: Richard Beckstrand. IT Director
Bonnie Smith. County Auditor
Sheri Dearden. County Treasurer
Richard Jacobson. County Sheriff
Adam Richins. County Planner
Kevin Morris and Rick Bublitz West Recreation
Connie Hansen. County Recorder
Dallas Buckner. Go Civil Engineering
Oscar Cazares. Citizen

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah, as required by law, the following proceedings were had:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Warnick to the public and Commission members.

OPENING STATEMENTS

Commissioner Warnick asked if anyone had an opening statement to give. Commissioner Draper read the following quote regarding why the Constitution will never be obsolete, “And that is what the Constitution is all about – providing freedom from abuse by those in authority. Anyone who says the American Constitution is obsolete just because social and economic conditions have changed does not understand the real genius of the Constitution. It was designed to control something which has not changed and will not change – namely, human nature.” Commissioner Draper said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF JUNE 2, 2020 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held June 2, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Jackson made a motion to approve the minutes of June 2, 2020, as corrected.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM JUNE 2, 2020

Commissioner Draper referred to the citizens initiative handout that was presented at the last meeting. He explained the Commission's options and said that he would like to take no action and let the initiative go on the ballot without a competing ballot item. Commissioners Jackson and Warnick agreed to let it go to the ballot.

Commissioner Draper said that construction will begin on the Brush Wellman Road on June 22, 2020.

DISCUSSION AND POSSIBLE APPROVAL OF A BUSINESS LICENSE FOR LYMAN CUSTOM CURBING, OWNER - EDWARD LYMAN

A business license application was presented for Lyman Custom Curbing, Owner - Edward Lyman, a custom curbing business. After review of the application and finding all signatures in order, Commissioner Jackson made a motion to approve a business license for Lyman Custom Curbing, Owner - Edward Lyman.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

OPENING OF BIDS FOR ROAD SHED ROOF

Auditor Smith opened the following bids:

- | | |
|-----------------------------------|--------------|
| • Commercial Roofing Experts, LLC | \$697,000.00 |
| • Natural Impressions, LLC | \$995,055.00 |

Auditor Smith said that the bid from Commercial Roofing Experts was opened in her office with witnesses and that they also emailed their bid. She said that two other emails were received with questions regarding the roof construction.

Commissioner Draper made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

OPENING OF THE REQUEST FOR PROPOSALS (RFP) FOR MAINTENANCE AND MANAGEMENT OF MILLARD COUNTY'S OVER-THE-AIR (TERRESTRIAL) BROADCAST TELEVISION TRANSMISSION FACILITIES AND LICENSES

Auditor Smith opened the following bids:

- Commercial Business Radio \$31,200.00/year
- Ben McDonald Option 1- \$ 2,085/month
Option 2 - \$8,750/month
- Dennis Johnson \$4,200/month

Commissioner Draper made a motion to accept the RFPs, as presented, and review the specifications of the bids, before making a decision.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF A SITLA EASEMENT CONTRACT

Attorney Finlinson said that he has two separate documents for this agenda item. One is a contract between School Institution Trust Lands Administration (SITLA) and the County and the other is the grant of easement. He said that the contract grants Millard County rights of access and the grant of easement addresses RS2477 which acknowledges public use.

Later, Attorney Finlinson said that he is comfortable moving forward with this contract.

Planner Richins said that this issue developed with the Crystal Peak project which is almost entirely on BLM land, however, two access roads are on SITLA lands. He said that Millard County will maintain these access roads and the terms are still being discussed.

Commissioner Jackson made a motion to approve the SITLA Easement Contract.

Commissioner SECONDED the motion. The voting was unanimous and the motion carried.

APPROVAL OF A FIDELITY BOND OR THEFT OR CRIME INSURANCE ON ALL COUNTY OFFICIALS AS A GROUP, RATHER THAN INDIVIDUALLY, BY PRESCRIBING THE AMOUNT OF SAID GROUP FIDELITY BOND OR THEFT OR CRIME INSURANCE FOR ALL COUNTY OFFICIALS, INCLUDING THE MILLARD COUNTY TREASURER, AND APPROVING THE PREMIUM FOR SAID BOND OF INSURANCE FOR ALL OFFICIALS

Attorney Finlinson said that this is approving this specific form of group coverage and approving the premium amount.

Auditor Smith said the premium for the crime insurance is \$861.00 annually with a \$10,000,000.00 limit.

Commissioner Draper made a motion to approve a fidelity bond or theft or crime insurance on all county officials as a group, rather than individually, by prescribing the amount of said group fidelity bond or theft or crime insurance for all county officials, including the Millard County Treasurer.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Draper made a motion to approve the payment of the premium for said bond insurance.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

BID OPENING FOR CONSTRUCTION OF A DINING AREA ADDITION AT THE MILLARD COUNTY CARE AND REHABILITATION FACILITY

Attorney Finlinson said that a pre-bid meeting was held which was mandatory for bidders to attend.

Auditor Smith opened the following emailed bids:

- Big B Construction \$390,112.00
- Broderick and Henderson Construction, LC \$616,298.00
- Crew General Contractors, Inc. \$540,505.00

Commissioner Draper made a motion to accept the bids, as presented, and review the specifications of the bids, before making a decision.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2020 TAX RATES

Auditor Smith said that the certified tax rate for general operations is .003241, the county assessing and collecting is .000367, and the State multi-county assessing and collecting is fixed at .000012. Auditor Smith said that all rates have gone up and explained how rates are determined. She said that IPA's tax payment decreased by \$119,000,000.00 in 2019 and approximately \$100,000,000.00 in 2020.

Commissioner Draper said that IPA has been the largest single tax payer in the County. As their value declines, an increase in tax revenues is necessary to make up the difference. This increase in revenues comes from other county taxpayers as the tax burden is shifted.

Commissioner Draper said that the average value for a residence in Millard County is approximately \$149,460.00. He said that the average residence at that value will pay an additional \$6.13 per year. He said that this change doesn't include businesses. He said that if the County doesn't increase the certified tax rate as allowed by the State Tax Commission now, the

loss in revenue would perpetuate and the County would have to go through Truth and Taxation in order to recapture it.

Commissioner Draper said that there have already been a few budget cuts that have garnered public attention. He said that he would like people to understand that the economy of the County is changing and the Commission has the option to either cut services or raise taxes.

Treasurer Dearden said that this is a tax shift rather than a tax raise because the County will not acquire additional funds. She said that the tax burden is being shifted to residences as IPA's value declines.

Commissioner Draper said that the County receives taxes for other items like gasoline and there hasn't been as much traffic due the pandemic. He said that there are several other items received from the State that may require the County to look at budget cuts in the fall.

Attorney Finlinson said that the County will also be required to increase some budgets, specifically body cameras, which will soon become a legislative requirement due to the current social environment. He said that the cameras and their software will need to be purchased. Attorney Finlinson also said that the likelihood of the County receiving an indigent defense grant is not good and the County will have to cover the cost of that mandated service.

Commissioner Jackson made a motion to approve the 2020 certified tax rates.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF DISTRIBUTION WITHIN THE COUNTY OF THE FIRST ALLOCATION OF CARES ACT FUNDING

Auditor Smith presented a handout which shows the County's allotment of funds and a summary of the CARES Act permissible use of funding.

Commissioner Draper said that \$492,793.00 is available; however, the County needs to find proper ways to use those funds in order to actually receive those funds.

Auditor Smith said that the fund needs to be used by the end of November. She said that she thought of creating a committee and an application process to help determine where to distribute these funds.

A brief discussion was had on the restrictions and possible usage of the funds.

Commissioner Draper said that an application submission plan can be approved and the Commission can have an administrative meeting to formulate how to process items.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-06-16, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING CROSS APPEALS OF VALUATIONS BEFORE THE UTAH STATE TAX COMMISSION

Treasurer Dearden said that her office received notifications of filing by Pacific Corp. and the Intermountain Power Agency. She said that this approval will authorize Tom Peters to file a cross appeal on the County's behalf. Treasurer Dearden briefly went over the time line for appeals.

Commissioner Draper made a motion to approve Resolution 20-06-16, a resolution of the Board of County Commissioners of Millard County, Utah authorizing cross appeals of valuations before the Utah State Tax Commission.

Commissioner Jackson SECONDED the motion. Deputy Clerk Hair called for a roll call vote. Commissioner Draper voted YES. Commissioner Jackson voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

Commissioner Draper explained what centrally assessed taxes are and the appeals process.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-06-16A, A RESOLUTION OF THE MILLARD COUNTY COMMISSION AUTHORIZING DIRECT APPEALS OF VALUATIONS BEFORE THE UTAH STATE TAX COMMISSION

Treasurer Dearden said that the County wishes to file a direct appeal of the valuation of Sawtooth Caverns NGL, LLC to the Utah State Tax Commission.

Commissioner Draper said that the Utah State Tax Commission has set a value for this tax payer which the County believes to be too low so the County is initiating an appeal in order to show that they have a greater value than what was assigned.

Commissioner Jackson made a motion to approve Resolution 20-06-16A, a resolution of the Board of County Commissioners of Millard County, Utah, authorizing direct appeals of valuations before the Utah State Tax Commission.

Commissioner Draper SECONDED the motion. Clerk Rowley called for a roll call vote. Commissioner Draper voted YES. Commissioner Jackson voted YES. Commissioner Warnick voted YES. The voting was unanimous and the motion carried.

DISCUSSION REGARDING WORK AND CHANGES ON THE OUTDOOR ARENA - KEVIN MORRIS

Commissioner Warnick said that the Days of the Old West Rodeo was unable to be held this year and it was discussed to use those funds in order to make necessary changes to the arena.

Supervisor Morris presented a proposal and said that they had several groups help put it together. He went over the proposed changes.

Commissioner Jackson said that Supervisor Morris is trying to do most of the labor in house and with the work crew which will save a lot of money.

Commissioner Draper noted a few issues that he had with the proposal.

Commissioner Warnick would like the commissioners to walk through the arena and discuss the proposed changes.

Auditor Smith asked if the current rodeo budget would fund this project. She is concerned that this needs to be under a clearly titled agenda item that includes changes in the budget.

Attorney Finlinson said that this just for discussion today and can be put on a future

agenda when the Commission is ready to take action.

CONSIDERATION AND POSSIBLE APPROVAL OF A PRELIMINARY SUBDIVISION PLAT FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 3500 S AND STATE HIGHWAY 257 (DESERET APPLICANT--DALLAS BUCKNER, GO CIVIL ENGINEERING; OWNER--SUSAN HENKE

Planner Richins explained the different subdivision approaches. He said that this application is for property zoned AG and is near other homes in Deseret. He said that the owners would like to take a parcel and create seven new lots. Planner Richins said that there is already existing home on the south east portion of that property and this was given a favorable recommendation from the Planning and Zoning Commission.

Dallas Buckner, Go Civil Engineering, said that the parcel is approximately 20 acres being divided into seven lots. He said that the lots are sized between 2.6 and 4.9 acres and went over the septic, water, and roads. A brief discussion was had on the road width.

Commissioner Draper said that the Road Department Supervisor prefers that the subdivision road be a gravel road and gave a few examples of where road width has been a problem. He said that he recommends that the road be at least 60 feet wide and referred to the general plan. Commissioners Jackson and Warnick were ok with a 60 foot wide road. Mr. Buckner asked that it be clarified that its not the actual width of the road that's changing, but providing 10 more feet of right of way. Commissioner Draper said that is correct.

Commissioner Jackson made a motion to approve a preliminary subdivision plat for property located at the northwest corner of the intersection of 3500 S and State Highway 257 with the condition that the road be 60 feet wide. (Deseret applicant–Dallas Buckner, Go Civil Engineering; owner–Susan Henke

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

MONTHLY FINANCIAL REVIEW

Treasurer Dearden presented the financial reports ending in May 2020.

PUBLIC INPUT

There was none.

OTHER BUSINESS

Supervisor Morris said that Millard County Raceway has lost two race dates in June and they are trying to find dates to make up those races. He said that they are requesting that they include a Sunday race on their already scheduled weekend races beginning on July 31st and August 21st. Supervisor Morris said that Delta City has been consulted and they approve.

The Commission gave its approval to move forward on those dates.

Commissioner Warnick asked for an update on what emergency supplies were available.

Sheriff Jacobson said that they have approximately 300 gallons of hand sanitizer, 1500 surgical masks, 100 N95 masks, 100 hospital type gowns, and 50 suits. He said that the ambulances are equipped but draw from these resources as needed.

Attorney Finlinson presented an Assignment, Assumption, and Consent agreement between the Millard Care and Rehabilitation Center, Millard County, and GSBS Architects. He said that this agreement is necessary in order to utilize CIB funds.

Commissioner Draper made a motion to approve an agreement with GSBS Architects. Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Commissioner Warnick said that Millard County is currently under the yellow phase and the Commission is petitioning to go to the green phase based on our number of cases and how they were transmitted. Commissioner Draper read the letter into the minutes.

Commissioner Draper said that the Road Department traded in a bobcat whose value is \$5,000.00 for a skid steer whose value is \$61,000.00. He said that the policy requires anything over \$1,500.00 have approval from the County Commission.

Commissioner Draper made a motion to approve the trade-in of a bob cat with a value of \$5,000.00 for a skid steer with the value of \$61,000.00.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

Sheriff Jacobson said that new emergency mass response trailer is here and will begin to get some public exposure as trainings and other things begin.

DISCUSSION AND POSSIBLE APPOINTMENTS TO VARIOUS COUNTY BOARDS

Commissioner Draper nominated Sheri Stanworth to the Millard County Economic Development Board (MEDA) representing Workforce Services.

Commissioner Jackson SECONDED the motion. The voting was unanimous and the motion carried.

POSSIBLE APPROVAL OF APPLICATION(S) FOR SETTLEMENT OR DEFERRAL OF DELINQUENT PROPERTY TAX

There was none.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Draper asked for opinions on holding electronic meetings. He said that he finds it difficult to conduct County business when he can't hear those who aren't attending in person.

Treasurer Dearden said that she would like it still broadcast so she can see and stay updated on things that she doesn't have to present on; however, she can present items in person.

Auditor Smith said that some of the CARES funds could be used for a permanent audio system so it can continued to be broadcast.

Treasurer Dearden said that broadcasting is still a recommendation in the green phase.

Sheriff Jacobson said that these online meetings have become valuable in many professions and has now established itself as normal practice. He said that business as usual will not return to what it was before the pandemic.

Commissioner Draper said that Representative Bishop is considering the Great American Outdoors Act (Senate Bill 3422) which President Trump has endorsed. He explained the land and water conservancy fund component. Commissioner Draper said that our senators and representatives are in opposition to the bill; however, there is a good chance this will pass. He said that it can be changed through amendments.

Commissioner Draper said that the Fillmore Ranger District is taking fuel samples to measure how dry conditions are. He said that there is currently an extremely high fire danger and encouraged everyone to be careful outdoors.

Commissioner Draper said that approximately 550 wild horses will be gathered from the Swasey Management Area in the fall. He said that these areas of wild horses are over the limit to sustain them.

Commissioner Draper said that he spoke with APHIS regarding the grasshoppers in Scipio. He said that Senator Lee's Office has also weighed in on the issue and is monitoring the situation.

Commissioner Draper said that Millard County has had 8 total Covid-19 cases and the most recent two are due to contact with other people outside of the County.

Commissioner Jackson said that he spoke with someone who was interested in building low income housing in the County. Commissioner Warnick said that he called her as well and she suggested that he contact Delta City who may have areas already available. Commissioner Jackson said that 6 Counties would also like to help with low income housing.

Commissioner Jackson briefly went over the recent fire activity in the County.

Attorney Finlinson said that the temporary personnel policy allowing employees to work from home will expire at the end of June and he would like to extend this and/or adopt it permanently with a consensus from the Commission.

Commissioner Jackson made a motion to extend the temporary personnel policy authorizing working from home for 90 days.

Commissioner Draper SECONDED the motion. The voting was unanimous and the motion carried.

AUDITOR REPORT

Auditor Smith clarified that when the County trades in vehicles or equipment, the County is supposed to negotiate it after the approval which gives the other departments an opportunity to acquire the equipment at the trade in price.

Auditor Smith presented the following reports:

Accounts Payable Check Registers:

June 5, 2020	\$110,358.81
June 16, 2020	\$115,388.07

Payroll Liabilities:

June 5, 2020	\$171,345.34
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POSSIBLE BOARD OF EQUALIZATION (BOE) DISCUSSION AND/OR ACTION

There was none.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

There was none.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

WHERE UPON THE MEETING ADJOURNED

Commissioner Warnick adjourned the meeting at 12:34 p.m..

Attest: _____

Approved: _____